

ESTTA Tracking number: **ESTTA44976**

Filing date: **09/13/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Estee Lauder Inc.
Granted to Date of previous extension	09/14/2005
Address	767 Fifth Avenue New York, NY 10153 UNITED STATES

Correspondence information	Rita M. Odin, Esq. Trademark Counsel Estee Lauder Inc. 767 Fifth Avenue New York, NY 10153 UNITED STATES dcarresi@estee.com Phone:212-572-6778
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Applicant Information

Application No	78378680	Publication date	05/17/2005
Opposition Filing Date	09/13/2005	Opposition Period Ends	09/14/2005
Applicant	Romane Incorporated 590 Supreme Drive		

	Bensenville, IL 60106 UNITED STATES
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Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Non-Medicated Toiletries; cologne; body sprays; skin lotion

Attachments	Be Beautiful - Notice of Opposition.pdf (3 pages)
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Signature	/Rita M. Odin/
Name	Estee Lauder Inc.
Date	09/13/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application No. 78/378,680 for the mark BE BEAUTIFUL filed on March 4, 2004, and
published June 16, 2005

ESTEE LAUDER INC.

Opposer

v.

Opp. No. _____

PAKERMANN SA

Applicant

NOTICE OF OPPOSITION

Estee Lauder Inc., a Delaware corporation, having a business address of 767 Fifth Avenue, New York, New York 10153 believes that it will be damaged by the registration of the above-identified mark and hereby opposes the same under the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, it is alleged that:

1. Opposer is the owner of all right, title and interest in and to the mark BEAUTIFUL for a variety of goods in International Class 3 namely, perfume, cologne, body crème, body lotion, body powder and perfumed soap. Said mark has been registered in the United States Patent and Trademark Office as Registration 1,762,297.

2. Opposer's mark is a famous mark under Section 43 of the Trademark Act of 1946, 15 U.S.C. § 1125(c).

3. Opposer's registration is valid, subsisting and incontestable. The registration is conclusive evidence of Opposer's ownership of the mark and of its exclusive right to use the mark in commerce.

4. The aforementioned registration also provides constructive notice of Opposer's claim of ownership.

5. Since long prior to the date of the filing of Applicant's application, Opposer has used its mark in interstate commerce on and in connection with the goods identified in the registration and such use has been widely publicized throughout the United States and internationally.

6. Notwithstanding Opposer's prior established rights in its famous mark, Applicant has applied to register the highly similar mark BE BEAUTIFUL for identical goods, i.e., "non-medicated toiletries; cologne; body sprays; skin lotion".

7. Upon information and belief, Applicant made no use of its alleged mark in commerce prior to the filing date of its application.

8. The mark that Applicant seeks to register so resembles Opposer's mark that use and registration thereof is likely to cause confusion, mistake and/or deception as to the source or origin of Applicant's goods and will injure and damage Opposer and the goodwill and reputation it has established in its mark.

9. The goods of Opposer and Applicant are so closely related that the public is likely to be confused and to assume erroneously that Applicant's goods are the goods of Opposer or that

Applicant is in some way connected with and/or sponsored by or affiliated with Opposer, all to Opposer's irreparable damage.

10. The mark that Applicant seeks to register so resembles Opposer's famous mark that use and registration thereof shall cause dilution of the distinctive quality of Opposer's famous mark to Opposer's irreparable damage.

11. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's mark and registration of the mark should be refused.

WHEREFORE, Opposer prays that this opposition be sustained and that registration be denied.

ESTEE LAUDER INC.

By  _____

Dated: September 9, 2005
New York, N.Y.

Rita M. Odin, Esq.
Trademark Counsel
c/o The Estee Lauder Companies Inc.
Legal Department (46th Floor)
767 Fifth Avenue
New York, New York 10153
Tel: (212) 572-6798
Counsel for Opposer